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Limited Liability Company
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Attorneys for Defendants

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DOMENICK J. ZINGALE,

Plaintiff,

v.

TOWNSHIP OF LITTLE FALLS,
LITTLE FALLS, POLICE
DEPARTMENT, LOUIS RACANELLI,
FRANK CONTE, TIMOTHY FLECK and
JOHN DOES I-X (fictitious
persons whose identities are
unknown at this time),

Defendants.

Case No.

Civil Action

NOTICE OF REMOVAL

TO THE HONORABLE JUDGES of the United States District Court
for the District of New Jersey:

PLEASE TAKE NOTICE that on this date defendants, Township
of Little Falls, Little Falls Police Department, Louis
Racanelli, Frank Conte and Timothy Fleck, by and through their
attorneys, Piro, Zinna, Cifelli, Paris & Genitempo respectfully
submit this Notice of Removal pursuant to 42 USC §1983 and 28
USC § 1446 and state as follows:

1. On or about January 21, 2022, plaintiff commenced this action in the Superior Court of New Jersey, Law Division, Passaic County Docket No. PAS-L-000195-22 (the "State Court Action"). True copies of the Summons and Complaint, which constitute all process, pleadings and orders served in the State Court Action, are attached hereto as **Exhibit A**.

2. This is a civil action in which plaintiff seeks damages for losses claimed to have resulted from alleged constitutional violations when he was arrested on January 29, 2020.

3. The District of New Jersey embraces the location where the State Court Action is pending.

4. As demonstrated below this action is a civil action of which the District Courts of the United States have original jurisdiction pursuant to 42 USC § 1983 because plaintiff claims damages for violations of his constitutional rights.

5. This notice of removal is being filed with the court within thirty (30) days of the date defendants first received notice, through service of plaintiff's complaint, that the action was removable.

RECEIPT OF THE SUMMONS AND COMPLAINT

6. On February 9, 2022, defendants were served with a copy of the Summons and Complaint referable to the State Court Action.

THE JURISDICTIONAL BASIS

7. With this action plaintiff, Domenick J. Zingale, claims that his constitutional rights, as guaranteed by the Fourteenth Amendment, were violated with his arrest by defendants. Damages are sought pursuant to the provisions of 42 USC § 1983.

8. Original jurisdiction of plaintiff's claims resides with the United States District Court.

NOTICE AND RESERVATION OF RIGHTS

9. Written notice of the filing of this Notice of Removal will be served upon plaintiff and a copy will be filed with the state court as required by 28 USC § 1446.

10. In filing this Notice of Removal, the defendants do not waive any defenses otherwise available to them.

WHEREFORE, defendants, Township of Little Falls, Little Falls Police Department, Louis Racanelli, Frank Conte and Timothy Fleck, respectfully request that this Honorable Court rule in its favor and grant its notice of

removal of this matter to the United States District Court for the District of New Jersey.

Respectfully submitted,

PIRO, ZINNA, CIFELLI, PARIS
& GENITEMPO
Attorneys for Defendants

By: *Daniel R. Bevere*
DANIEL R. BEVERE, ESQ. (7565)
Member of the Firm

DATED: February 11, 2022

EXHIBIT “A”

RECEIVED

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CLERK
TOWNSHIP OF LITTLE FALLS

BENDIT WEINSTOCK

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
80 MAIN STREET
WEST ORANGE, N.J. 07052
(973) 736-9800

Attorneys for DOMENICK J. ZINGALE
Our File #45182-R

DOMENICK J. ZINGALE	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION :PASSAIC COUNTY
Plaintiff,	:	DOCKET NO. :PAS-L-000195-22
	:	
-vs-	:	Civil Action
	:	
TOWNSHIP OF LITTLE FALLS,	:	
LITTLE FALLS POLICE	:	SUMMONS
DEPARTMENT, LOUIS	:	
RACANELLI, FRANK CONTE,	:	
TIMOTHY FLECK, and JOHN	:	
DOES I-X (fictitious	:	
persons whose identities	:	
are unknown at this time),	:	
	:	
	:	
Defendants.	:	

TO: Township of Little Falls
225 Main Street
Little Falls, New Jersey 07424

THE STATE OF NEW JERSEY TO THE ABOVE NAMED DEFENDANT(S)

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The Complaint attached to this Summons states the basis for this lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer or Motion and Proof of Service with the Deputy Clerk of the Superior Court in the county listed above within 35 days from the date you received this Summons, not counting the date you received it. [The address of each deputy clerk of the Superior Court is listed on the reverse side of this

Summons]. If the Complaint is one in foreclosure, then you must file your written Answer or Motion and proof of service with the Clerk of the County where this matter is pending. An \$110.00 filing fee payable to the Clerk of the Superior Court of New Jersey and a completed Case Information Statement [available from the Deputy Clerk of the Superior Court] must accompany your Answer or Motion when it is filed. You must also send a copy of your Answer or Motion to plaintiff's attorney, whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written Answer or Motion [with fee and completed Case Information Statement] if you want the Court to hear your defense.

If you do not file and serve a written Answer or Motion within 35 days, the Court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of those offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Michelle M. Smith, Esq., Clerk
SUPERIOR COURT OF NEW JERSEY

DATED: February 7, 2022

NAME OF DEFENDANT TO BE SERVED:

**Township of Little Falls
225 Main Street
Little Falls, New Jersey 07424**

ATLANTIC COUNTY
Law Division, Direct Filing
Atlantic County Court House
1201 Bacharach Blvd. - 1st Floor
Atlantic City, NJ 08401
LAWYER REFERRAL:
609-345-3444
LEGAL SERVICES:
609-348-4200

BERGEN COUNTY
Law Division, Civil Case Processing
119 Justice Center
10 Main Street
Hackensack, NJ 07601-7698
LAWYER REFERRAL:
201-488-0044
LEGAL SERVICES:
201-487-2166

BURLINGTON COUNTY
Superior Court, Law Division
Courts Facility - 1st Floor
Box 6555
Mt. Holly, NJ 08060
LAWYER REFERRAL:
609-261-4862
LEGAL SERVICES:
609-261-1088

CAMDEN COUNTY
Civil Processing Office
Hall of Justices - 1st Floor
501 Fifth Street
Camden, NJ 08103
LAWYER REFERRAL:
856-964-4520
LEGAL SERVICES:
856-964-2010

CAPE MAY COUNTY
Law Division, Direct Filing
Cape May Superior Court
4 Moore Road - DN203
Cape May Court House, NJ 08210
LAWYER REFERRAL:
609-463-0313
LEGAL SERVICES:
609-465-3001

CUMBERLAND COUNTY
Civil Case Management Office
Court House - Room 301
Broad & Fayette Streets
Box 866
Bridgeton, NJ 08302
LAWYER REFERRAL:
856-692-6207
LEGAL SERVICES:
852-451-0003

ESSEX COUNTY
Law Division, Direct Filing
Essex County Hall of Records
Room 237
Newark, NJ 07102
LAWYER REFERRAL:
973-622-6207
LEGAL SERVICES:
973-622-0063

GLOUCESTER COUNTY

Civil Case Management Office
Att: Intake
Court House - 1st Floor
One North Broad Street
Woodbury, NJ 08096
LAWYER REFERRAL:
(856) 848-4589
LEGAL SERVICES:
(856) 848-5360

HUDSON COUNTY
Superior Court Civil Records Dept.
Brennan Court House - 1st Floor
583 Newark Avenue
Jersey City, NJ 07306
LAWYER REFERRAL:
201-798-2727
LEGAL SERVICES:
201-792-6363

HUNTERDON COUNTY
Civil Division Office
Hall of Records
71 Main Street
Flemington, NJ 08822
LAWYER REFERRAL:
908-735-6112
LEGAL SERVICES:
908-782-7979

MERCER COUNTY
Mercer County Office of Deputy
Clerk
P.O. Box 8068
209 So. Broad Street
Trenton, NJ 08650
LAWYER REFERRAL:
609-585-6200
LEGAL SERVICES:
609-695-6249

MIDDLESEX COUNTY
Superior Court - Att: Law Division
Administration Bldg. - 3rd Floor
P.O. Box 2633
New Brunswick, NJ 08903-2633
LAWYER REFERRAL:
732-828-0053
LEGAL SERVICES:
732-249-7600

MONMOUTH COUNTY
Law Division, Direct Filing
Court House
71 Monmouth Park - West Wing
P.O. Box 1252
Freehold, NJ 07728-1252
LAWYER REFERRAL:
732-431-5544
LEGAL SERVICES:
732-502-0059

MORRIS COUNTY
Morris County Civil Division
Court House - Box 910
Morristown, NJ 07960
LAWYER REFERRAL:
973-267-5882
LEGAL SERVICES:
973-285-6911

OCEAN COUNTY

Law Division, Direct Filing
Court House - Room 119
118 Washington Street
Toms River, NJ 08754
LAWYER REFERRAL:
732-240-3666
LEGAL SERVICES:
732-341-2727

PASSAIC COUNTY
Passaic County Civil Div. Office
Court House
77 Hamilton Street
Paterson, NJ 07505
LAWYER REFERRAL:
973-278-9223
LEGAL SERVICES:
973-523-2900

SALEM COUNTY
Law Division, Direct Filing
Court House
92 Market Street
P.O. Box 18
Salem, NJ 08079
LAWYER REFERRAL:
856-935-4629
LEGAL SERVICES:
856-451-0003

SOMERSET COUNTY
Civil Division Office
Court House - 3rd Floor
P.O. Box 3000
Somerville, NJ 08876
LAWYER REFERRAL:
908-685-2323
LEGAL SERVICES:
908-231-0840

SUSSEX COUNTY
Sussex County Civil Division
Sussex County Judicial Center
43-47 High Street
Newton, NJ 07860
LAWYER REFERRAL:
973-267-5882
LEGAL SERVICES:
973-383-7400

UNION COUNTY
Deputy Clerk, Superior Court
Court House - Room 107
2 Broad Street
Elizabeth, NJ 07207-6703
LAWYER REFERRAL:
908-353-4715
LEGAL SERVICES:
908-354-4340

WARREN COUNTY
Warren County Civil Div. Office
Court House
413 Second Street
Belvidere, NJ 07823-1500
LAWYER REFERRAL:
908-267-5882
LEGAL SERVICES:
908-475-2010

BENDIT WEINSTOCK

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Attorneys for DOMENICK J. ZINGALE
Our File #45182-R

DOMENICK J. ZINGALE	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION :PASSAIC COUNTY
Plaintiff,	:	DOCKET NO. :PAS-L-000195-22
	:	
-vs-	:	Civil Action
	:	
TOWNSHIP OF LITTLE FALLS,	:	
LITTLE FALLS POLICE	:	COMPLAINT AND JURY DEMAND
DEPARTMENT, LOUIS	:	
RACANELLI, FRANK CONTE,	:	
TIMOTHY FLECK, and JOHN	:	
DOES I-X (fictitious	:	
persons whose identities	:	
are unknown at this time),	:	
	:	
	:	
Defendants.	:	

Plaintiff, Domenick J. Zingale, residing at 134 Cedar Grove Parkway, Cedar Grove, New Jersey, by way of Complaint against the defendants says:

FIRST COUNT

1. On or about January 29, 2020, the plaintiff, Domenick J. Zingale, was operating his motor vehicle in the Township of Little Falls, New Jersey.

2. At all times relevant herein, the defendant, Township of

Little Falls, was an existing and duly incorporated and organized municipal corporation under the laws of the State of New Jersey.

3. At all times relevant herein, the defendant, Little Falls Police Department, was a duly established department of the defendant, Township of Little Falls.

4. At all relevant herein, the defendants, Louis Racanelli, Frank Conte, Timothy Fleck, and John Does I-X (fictitious persons whose identities are unknown at this time), were police officers employed by the defendants, Township of Little Falls and the Little Falls Police Department.

5. At all times relevant herein, the defendants, Louis Racanelli, Frank Conte, Timothy Fleck, and John Does I-X (fictitious persons whose identities are unknown at this time), were acting in their capacity as law enforcement officers for their respective employers, the defendants, Township of Little Falls and the Little Falls Police Department.

6. At the time and place set forth above and at times thereafter, the plaintiff, Domenick J. Zingale, sustained serious and permanent injuries as a result of the negligence and carelessness of the defendants named herein as defined and delineated by the New Jersey Tort Claims Act.

7. The defendants, Louis Racanelli, Frank Conte, Timothy Fleck, and John Does I-X (fictitious persons whose identities are unknown at this time) and, vicariously, their employers, The

Township of Little Falls and Little Falls Police Department, were negligent and careless as defined and delineated by the New Jersey Tort Claims Act.

8. The defendants, Township of Little Falls and the Little Falls Police Department, were negligent and careless, as defined and delineated by the New Jersey Tort Claims Act, in failing to provide adequate training to its police officers, including the individual defendants named herein., regarding the standards and methods of appropriate police procedures.

9. The plaintiff provided the defendants named herein with proper notice pursuant to N.J.S.A. 59:1-1, et seq.

10. As a result of the aforementioned negligence and carelessness of the defendants, the plaintiff was severely injured and suffered permanent disability.

WHEREFORE, plaintiff demands judgment for damages against the defendants, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff repeats and realleges all of the allegations of the First Count as though set forth herein verbatim.

2. On and after January 29, 2020, the defendants, Louis Racanelli, Frank Conte, Timothy Fleck, and John Does I-X (fictitious persons whose identities are unknown at this time), committed assaults and battery upon the plaintiff, thereby causing serious and permanent injuries to the plaintiff.

3. The defendants, Louis Racanelli, Frank Conte, Timothy Fleck, and John Does I-X (fictitious persons whose identities are unknown at this time), committed intentional acts which constituted false imprisonment upon the plaintiff, thereby causing serious and permanent injuries to the plaintiff.

4. As a result of the aforesaid intentional acts of the defendants, the plaintiff was severely injured and suffered permanent disability.

WHEREFORE, plaintiff demands judgment for damages against the defendants, together with interest and costs of suit.

THIRD COUNT

1. Plaintiff repeats and realleges all of the allegations of the First Count and Second Count as though set forth herein verbatim.

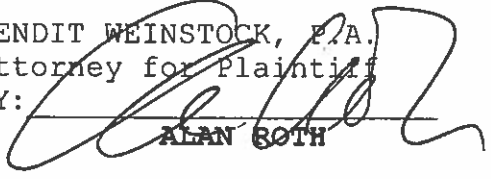
2. The defendants named herein violated the civil rights of the plaintiff resulting in the deprivation of his rights, privileges and/or immunities secured by the Constitution and Federal Laws, which violations proximately caused serious injury, disability and other damages to the plaintiff.

3. Plaintiff alleges that the defendants are liable to the plaintiff for the aforesaid violations of his civil rights pursuant to and in accordance with the provisions of the applicable Federal Statutes, 42 U.S.C.A. Section 1983, et seq.

WHEREFORE, plaintiff demands judgment against the defendants

as a result of the violations of plaintiff's civil rights, together with attorney's fee, interest and costs of suit.

Dated: *January 21, 2022*

BENDIT WEINSTOCK, P.A.
Attorney for Plaintiff
BY: 

ALAN ROTH

WHEREFORE, plaintiff demands Trial by Jury on all issues.

BENDIT WEINSTOCK, P.A.
Attorney for Plaintiff

Dated: *January 21, 2022*

BY: 

ALAN ROTH

DESIGNATION OF TRIAL COUNSEL

Pursuant to Rule 4:25-4, ALAN ROTH, ESQ., is hereby designated as Trial Counsel in the within matter.

BENDIT WEINSTOCK, P.A.
Attorneys for Plaintiff

Dated: *January 21, 2022*

BY: 

ALAN ROTH

CERTIFICATION IN ACCORDANCE WITH R.4:5-1

The undersigned certifies, on information and belief, as follows:

1. The matter in controversy is not the subject of any other action pending in any Court or a pending arbitration proceeding.
2. No other action or arbitration proceeding is contemplated.

3. There are no known parties who may be liable to any party on the basis of the transaction or events which form the subject matter of this action who should be joined pursuant to R. 4:28.

4. I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with R. 138-7(b).

I certify that the foregoing statements made by me are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated:

January 21, 2022



ALAN ROTH